

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

JASPER VICK,

Plaintiff,

vs.

SERGEANT McKINNIE, et al.,

Defendants.

No. 05-2744-B/P

ORDER TO ISSUE AND AFFECT SERVICE OF PROCESS
ON DEFENDANTS McKINNIE AND UNDERWOOD

Plaintiff Jasper Vick, Tennessee Department of Correction ("TDOC") prisoner number 139471, an inmate at the Whiteville Correctional Facility in Whiteville, Tennessee, filed a pro se complaint pursuant to 42 U.S.C. § 1983 on October 4, 2005 in connection with his previous incarceration at the Shelby County Criminal Justice Complex ("Jail"). The Court issued an order on November 21, 2005 dismissing the complaint in its entirety, pursuant to 42 U.S.C. § 1997e(a) and 1915(e)(2)(B)(ii) and 1915A(b)(1), for failure to state a claim on which relief may be granted. Plaintiff filed a notice of appeal, and the United States Court of Appeals for the Sixth Circuit issued an order on October 4, 2006 affirming the dismissal order except for claims that (i) Defendants McKinnie and Underwood violated his freedom of religion by confiscating religious materials from his cell; and (ii) these defendants violated his right to due process by failing to return

the materials when he was transferred to a TDOC prison. Vick v. Love, No. 06-5115 (6th Cir. Oct. 4, 2006). Those claims were remanded for further proceedings.

It is ORDERED that the Clerk shall issue process for the remaining defendants, Sergeant McKinnie and Deputy Jailer Underwood, the latter of whom is described in the complaint as a DRT officer at the Jail, and deliver said process to the marshal for service. Service shall be made on Defendants pursuant to Fed. R. Civ. P. 4(e) and Tenn. R. Civ. P. 4.04(1) & (10), either by mail or personally if mail service is not effective. A copy of this order shall be served on Defendants along with the summons and complaint. All costs of service shall be advanced by the United States.

It is further ORDERED that Vick shall serve a copy of every document filed in this cause on the attorneys for Defendants or on any Defendant that has no attorney. Plaintiff shall make a certificate of service on every document filed. Plaintiff shall also familiarize himself with the Federal Rules of Civil Procedure and this Court's local rules.

Vick shall promptly notify the Clerk of any change of address or whereabouts. Failure to comply with these requirements,

or any other order of the Court, may result in this case being dismissed without further notice.

IT IS SO ORDERED this 19th day of December, 2006.

S/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE